

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

YESHIVA GEDOLA NA'OS YAAKOV, INC.,  
a New Jersey nonprofit corporation, and  
ZEBRA HOLDINGS II LLC,

Plaintiffs,

vs.

TOWNSHIP OF OCEAN, N.J. and ZONING  
BOARD OF ADJUSTMENT OF THE  
TOWNSHIP OF OCEAN,

Defendants.

Civil No. 3:16-00096 (FLW) (DEA)

**DECLARATION OF  
RABBI SHLOMO LESIN**

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RABBI SHLOMO LESIN, under penalty of perjury under the laws of the United States of America, does hereby declare and certify pursuant to 28 U.S.C. § 1746 that the following statements are true and correct:

1. I am a Rabbi of the Orthodox Jewish faith and Vice President of the Yeshiva Gedola Na'os Yaakov, Inc. (the "Yeshiva").
2. For 35 years, I was the Executive Vice-President of the Mesivta of Long Beach Rabbinical Seminary in Long Beach, New York, an advanced Talmudic academy.
3. I launched the Student Help foundation to advance higher education and charitable endeavors.
4. I also founded the ATC Kollel, an institution of higher Talmudic studies to train scholars, rabbis and lay leaders for the Jewish community.

5. I have been a member of the Board of Governors of the Beth Medrash Govoha of Lakewood ("BMG"), New Jersey, which is the largest institute in the world for advanced Talmudic scholarship and research. Over the course of a 50-year relationship with BMG beginning as a graduate student, I became active as a student leader, directing a Student Aid fund to aid needy students, and helped arrange and lead advanced seminars. I have since been involved in various administrative and advisory committees for this institution.
6. Orthodox Jews believe that no greater achievement, no higher title exists in Jewish tradition than that of the scholar. Judaism values learning and the pursuit of knowledge as an all-encompassing ethic. We believe that the study of the Torah equals all other pursuits and achievements.
7. Every Jewish male is biblically commanded to engage in Torah study. The Torah commands him to "speak of them [the Torah's precepts] while you sit in your home, while you walk on the way, when you retire and when you arise." Deuteronomy 6:5-9.

The Babylonian Talmud, Sabbath 127a, states:

These are the precepts whose fruits a person enjoys in This World but whose principal remains intact for him in the World to Come. They are: the honor due to father and mother, acts of kindness, early attendance at the house of study morning and evening, hospitality to guests, visiting the sick, providing for a bride, escorting the dead, absorption in prayer, bringing peace between man and his fellow - and the study of Torah is equivalent to them all.

8. Additionally, Judaism considers the teaching of Torah to others as an extremely important religious act. The Babylonian Talmud, Sanhedrin 19b, states that whoever teaches someone Torah is considered as if he gave birth to him. The point is not literal, of course, but its intended meaning is that the precepts of the Torah are a consecrated path through this world and one who launches the individual on this path with its values, its learning, its wisdom and its truth has done as much for the individual as his birth parents.
9. A *yeshiva gedola* is an institution for higher education in the study and practice of the Jewish Torah and Talmud, generally for students aged eighteen to twenty-two.
10. The Yeshiva was incorporated specifically for the purpose of developing and operating a *yeshiva gedola*.
11. My duties with the Yeshiva include obtaining a physical facility and the necessary approvals to operate a *yeshiva gedola* in Ocean Township.
12. A *yeshiva gedola* is analogous to a seminary or monastery in other religious traditions, and is a religious institution for the study, practice and training of skilled Jewish clergy as well as research scholars, instructors, and lifelong Talmud and Torah learners.
13. The Yeshiva's program is a four-year course of study that will qualify students for post-graduate Talmudic studies and rabbinic practice.
14. The Yeshiva's curriculum is mainly structured on the study of the Talmud. The primary course of study revolves around day-long training and research in three different types of

Talmud courses: Talmud Intensive, Talmud Research and Talmud Survey. In addition, students also study *Halacha* (Jewish Law) and *Mussar* (Jewish Ethical Philosophy).

15. The Talmud comprises the central core of the Torah's oral tradition passed down for generations since the year 1312 BCE. The Babylonian sages completed the Babylonian Talmud over 2000 years ago. The Talmud is a compilation of legal, historical and ethical case studies and didactic texts written in a combination of ancient Aramaic and Hebrew.
16. Jews have built upon this foundation of traditional wisdom over the course of the Diaspora, and thousands of companion volumes have been authored to elucidate and elaborate upon the legal concepts, moral principles and wisdom writings redacted in these ancient texts.
17. The study of Talmud is complex and demanding.
18. A Talmudic scholar, known as a *Talmid chacham*, is an expert in the entire Babylonian Talmud, both the text and its commentaries. The goal of becoming a *Talmid chacham* is a lifelong endeavor, which serious students avidly pursue for decades.
19. The objective of the Yeshiva's program is to equip students with the analytic and critical thinking skills and the methodology employed in advanced Talmud study. At the same time, the program seeks to provide the student with broad content mastery so that he has command over a wide-range of Talmudic laws and principles.

20. Two important methods of studying the Talmud are the *chavrusa*, or study partner, system and *shiurim*, or faculty lectures. The Yeshiva intends to use both methods of study.
21. The Yeshiva will admit only a small number of students (fewer than one hundred) who meet its rigorous academic and moral standards.
22. Students applying to the Yeshiva must demonstrate high levels of academic achievement and sterling character. They must pass demanding entrance exams and must also present a record of deep commitment and demonstrated high moral standing as determined by references from teachers, religious leaders and associates.
23. Students at the Yeshiva must also remain unmarried and non-dating during this phase of their education.
24. The Yeshiva's *rosh yeshiva* (head of the school), Rabbi Shlomo Feivel Schustal, is a renowned and distinguished Talmudic scholar and teacher for more than 42 years.
25. Development of the *yeshiva gedola* is in furtherance of the Yeshiva's religious mission.
26. The Yeshiva further believes that the *yeshiva gedola* is necessary for the Jewish community, and that there are far too few such institutions, especially ones of high caliber like the one proposed by the Yeshiva.
27. It is the Yeshiva's religious conviction that the *yeshiva gedola* should be isolated from the students' traditional environment of Orthodox communities such as Lakewood, New Jersey or Monsey, New York. This will ensure an undisturbed focus on study,

introspection and the production of scholarship. The institution will be similar to a seminary or monastery in that its students will be held to high moral standards and will be scrupulously monitored and will be prohibited from outside social interactions.

28. In this vein, the Yeshiva believes that it is essential that students of the *yeshiva gedola* should be removed from the distractions of secular life so that they may concentrate on their studies, experience a community of dedicated religious practitioners and scholars, and single-mindedly devote all their attention to spiritual development and with appropriate models and guides as to how to live their lives in accord with the Torah.

29. The Yeshiva's conviction about the importance of isolated, full-time communities for these studies and lifestyle is based on its deep understanding of the meaning of the Torah.

30. The Yeshiva believes that the Torah is a spiritual study, not simply a secular, academic subject. It was given by the grace of G-d.

31. The Yeshiva believes that serious Torah students must work constantly on purifying and refining their character, their mind and their bodies to be able to be "worthy vessels" of receiving the Torah.

32. I have previously described this religious need as follows:

"Imagine a pipeline for receiving pure water.

If the pipeline is entirely clogged with filth, no water can get through.

If the pipeline is partially open, but not clean, some water may get through, but not pure water.

If the pipeline is pristine and wide open, a strong flow of pure water will come through.

Now, at YGNY, we are training young men, at the prime of life, to become lifelong worthy vessels to receive G-d's gift of Torah understanding. However, as they are on the threshold of becoming of age to marry and begin their families, there is also a very strong pull to fulfill those needs. The only way we can help them, especially during these challenging years, become the most elevated and spiritually attuned leaders that they strive to become, is to immerse them in a sea of Torah study and protect them from any of the myriad distractions that could interfere with their quest for holiness."

33. The Yeshiva believes that the Torah, correctly understood, is not simply a text.

Historically, it has always been understood that the Torah has two parts, a "Written Torah" and an "Oral Torah."

34. The main part of the written Torah is the Pentateuch or Five Books of Moses, eight books

of the Prophets, and eleven books of the Writings. However, this comprises but a fraction of the studies called Torah. The Yeshiva believes that there is a much larger segment of the Torah, which is called the Oral Torah. It is so called because it is the received Law that is transmitted from generation to generation. It comprises the authorized contextual meaning of the Written Law. It is the Law that is passed on from scholar to students, from Rabbi to disciple. It offers the explanation and answer to the many questions about meaning and interpretation that circle about sacred texts.

Moreover, the teacher is no simple mentor; he is placed at a much higher and more demanding level. He serves as a role model of how to live the revealed truths that he teaches.

35. In order to fully engage in such learning from the character and behavior of the teachers, the Yeshiva sincerely believes that it is vital that *yeshiva gedola* students live in a religious scholarly community separated from secular life.
36. The Yeshiva believes in the command set forth in the Mishnah, which deals with ethical behavior, to “Exile yourself to a place of Torah” and “do not assume that it (Torah study) will come after you, [or] that your colleagues will cause it to remain with you; and do not rely on your own understanding.” (Chapters of our Fathers: Chapter 4, Mishnah 14.)
37. The Yeshiva believes that the word “exile” is intentionally used to indicate separating oneself from the distractions of outside influences.
38. Maimonides, the preeminent Jewish scholar of the Middle Ages, wrote that since man is so deeply influenced by his surroundings and peers, he must attach himself to scholars and moral men. If he sees that the environment and culture can have a negative moral or ethical impact on his own development and character he should seek refuge “in caves and grottos and deserts” to avoid their influence. Hilchos Deios, VI, 1.
39. In modern times, Rabbi Avrohom Yeshaya Karelitz, a revered post-World War II Rabbinical scholar and sage, has said that today’s “caves and grottos and deserts” are the Yeshivot.
40. The sages emphatically stress that a person must live amongst Torah scholars. Pirkei Avot, Chapter 6; Mishnah 9, states:



Rabbi Yose ben Kisma said: I was once walking on the road, when a man met me and greeted me and I returned his greeting. He said to me: "From where do you hail?" I replied: "I come from a great city of sages and scholars." He then said to me: "Rabbi, if you would be willing to live with us in our city; I would give you a million golden dinars and precious stones and pearls." I replied: "Were you to give me all the silver, gold, precious stones, and pearls in the world, I would not live anywhere except in a place of Torah."

41. The Yeshiva believes that it is important that teachers at a *yeshiva gedola* must provide vital moral and spiritual examples to their students and closely supervise the students' moral and spiritual development. The inability to maintain a proper full-time environment for the students and to observe and supervise their conduct greatly burdens that practice.
42. The inability to provide dormitories for students also means that the Yeshiva's students may be exposed to inappropriate people, experiences and influences while outside the school, inhibiting their development of the proper moral and spiritual frame of mind.
43. Furthermore, the Yeshiva believes that students must not study privately in their own houses, but rather they should be part of a learning community. For out of the dialectic, the spirited debate over ideas and concepts comes growth.
44. Another factor that makes onsite residence crucial to a successful yeshiva program is absolute access to the faculty. In a yeshiva system it is imperative to have instructors and teachers who serve as role models for the students in every facet life. The prophet (Book of Malachi 2-4) says "that the lips of the anointed, guard knowledge and you shall seek Torah from his mouth for he is an angel of G-d", the Talmud (moed katan 17a) in quoting

this verse states: "if the teacher is similar to an angel then you shall seek Torah from his mouth however, if he does not resemble an angel do not seek Torah from his mouth."

45. Exposure to our teachers and instructors is an integral part of our learning process. To observe and interact with men of high moral fiber and ethical stature is part of the curriculum, and is critical for our syllabus of transmitted knowledge and behaviors. To deny our students this experience is to bar them from a holistic yeshiva education. The effect will be to exclude key components of the comprehensive Yeshiva curriculum and its life training.

46. In order to exercise its religious beliefs, the Yeshiva requires a location for its *yeshiva gedola* for up to 96 students, who will be boarded on site.

47. Because land use approvals for the Property were not achieved by September 2014, when we had hoped that the Yeshiva could commence at the Ocean Township property, the Yeshiva had to find a temporary facility to provide for the students who had enrolled.

48. The Yeshiva currently rents premises at 911 Somerset Avenue, Lakewood, New Jersey that provide classrooms for the students and living facilities for 33 of them.

49. There has never been a complaint about student or school-generated noise, traffic or any other unwelcome behaviors or consequences arising out of our residence in the Lakewood facility, which is located adjacent to a residential neighborhood.

50. However, two-thirds of the students currently have to be housed outside the school in the surrounding community. That facility also lacks a library and does not have sufficient classroom space for the Yeshiva.

51. For the reasons set forth in the preceding paragraphs, the Yeshiva believes that it is a necessary exercise of its religious beliefs to provide a *yeshiva gedola* with dormitories for its students.

52. The formal daily schedule for all students at the Yeshiva begins at 7:30 a.m. and ends at 11:15 p.m. At its temporary facilities, the lack of dormitory rooms for all students has prevented the full student body from participating in early morning and late evening prayer services.

53. It is the Yeshiva's belief that all of its students should pray and study together as a body.

54. The lack of dormitory rooms for all students inhibits the religious education and practices of the Yeshiva and the Yeshiva's students. Additionally, the Lakewood facility is not able to hold next year's classes. Our enrollment for next semester is over ninety students. The available lecture room in the present facility is legally limited to a capacity of 25. The present facility is inadequate for our needs in many other ways as well.

55. The lack of dormitory rooms for all students prevents the Yeshiva's faculty from maintaining full-time supervision of the students' spiritual and moral development.

56. The lease for the Lakewood facility expires on August 19, 2016.

57. The owner of the Lakewood facility is seeking to sell the Lakewood facility.

58. The lack of a permanent address has also rendered us unable to issue I-20 certification to students who wish to come to study with us from outside of the United States. In order for us to receive such certification, the Yeshiva must be licensed and accredited. We are prevented from even applying for licensure and accreditation because of the inadequacies of our current facility.

59. The Yeshiva's principals located the property at 1515 Logan Road on or about September 2013. The Yeshiva is a contract purchaser of the Property.

60. The Logan Road property is uniquely suited to accommodate our religious school.

61. The Yeshiva sought a suitable location for its *yeshiva gedola* for nearly a year and was unable to find one in Ocean Township that was equally suitable for its religious exercise.

62. The cost for rehabilitating the property to accommodate our students will be approximately \$700,000. This will include renovating the existing structure on the Property to be used as a study hall, classroom, library, kitchen, dining room, mechanical room, lobby, restrooms, shower room, offices, a resident faculty suite, and several student dormitory rooms.

63. After the Yeshiva's representatives received positive feedback from a meeting with Township representatives on January 14, 2014, the Yeshiva decided to move forward with filing our land use application with the Township. The Yeshiva's application discussed the use of the existing structures on the property as a study hall, classroom,

library, kitchen, dining room, mechanical room, lobby, restrooms, shower room, offices, a resident faculty suite, and several student dormitory rooms.

64. The Yeshiva requires an operational facility for its *yeshiva gedola* by September 4. This is also the beginning of the month of Elul in the Hebrew calendar, the traditional date for the beginning of the school semester.

65. Once the Yeshiva has a permanent facility, it will seek licensure from the New Jersey Department of Higher Education to offer a Bachelor of Talmudic Studies Degree.

66. Lacking such licensure, students who study at the Yeshiva are not eligible for credit toward a degree. Moreover, the Yeshiva cannot award a degree. This has adversely affected enrollment.

67. The Yeshiva cannot petition the New Jersey Department of Higher Education for licensure since it does not yet have approval to use the Logan Road property for its institution of higher education. New Jersey's Department of Higher Education requires, among other things, a library and physical facilities adequate to meet the needs of the student body and the educational program of the school. The current Lakewood facility lacks adequate facilities to meet these requirements. We are also unable to apply for accreditation until we qualify for a license from the State of New Jersey and so the stranglehold of inadequate facilities blocks us from moving ahead on multiple fronts.

Attached as Exhibit 1 is a true and correct copy of a letter from Bernard Fryshman, an official with the Association of Advanced Rabbinical and Talmudic Schools, which states

that the Yeshiva cannot obtain accreditation until it is licensed by the State.

Accreditation also requires ownership of a lease ensuring that the school will be occupying its premises for at least five years. Because we cannot qualify for a State license or accreditation, our students cannot qualify for student grant aid from the federal government and from the state of New Jersey. This all has resulted from the Township preventing the Yeshiva from occupying its Logan Road property.

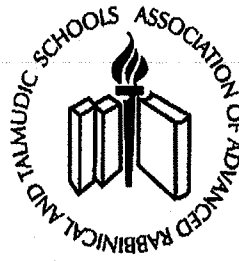
68. The lack of timely approvals by the Board of Adjustment, which is necessary to permit licensure by the Department of Higher Education, has also prevented students and potential students from obtaining financial aid and student loans to attend the Yeshiva, further discouraging students from attending the school.

69. To date, the Yeshiva has expended approximately \$100,000 for various fees related to its application for use variance before the Ocean Township Zoning Board of Adjustment.

Executed on February 2, 2015

  
Rabbi Shlomo Lesin

# **EXHIBIT 1**



*Association  
of Advanced  
Rabbinical  
and Talmudic  
Schools*

February 2, 2016

Rabbi Shlomo Lesin  
Yeshiva Gedolah Na'os Yaakov  
684 9<sup>th</sup> Street  
Lakewood, NJ 08701

Dear Rabbi Lesin:

I am writing in response to your inquiry regarding initial recognition by the AARTS Accreditation Commission.

Ordinarily the process begins with an informal on site visit by an AARTS staff member, at which time the various standards are discussed. School officials are usually able to judge whether the institution is ready to begin the Self Study process.

Sometimes schools will go ahead on their own, preparing and submitting a Self Study Report which is responsive, but which does not address some of the special concerns which relate to initial recognition.

Stability is one: On page 9 of our Handbook there is a section entitled "Before Applying for Accreditation" which highlights a number of issues.

#### **General Criteria**

*The school shall be legally incorporated as a non-profit institution in the legal jurisdiction in which it operates. It shall be licensed or chartered to operate as required by applicable state law. It shall have been in continuous existence as an institution of higher education for a period of two years.*

*The Accreditation Commission will not grant accreditation or pre-accreditation status to institutions that lack legal authorization under applicable state law to provide a program of education beyond the secondary level.*



Practically, this means we will not visit a New Jersey school which is not licensed by the state.

Most of the other requirements described on pages 9-11 have usually been met by applicant schools, except for considerations regarding stability.

*The Accreditation Commission considers that a minimum of fifty students and a minimum full-time faculty of three are essential for a viable school. Institutions in continuous existence for a period of four years which show a stable staff and enrollment will be considered to have shown sufficient evidence of viability, notwithstanding their non-compliance with the student and faculty minima listed above.*

*Institutions which are in rented quarters will be expected to show that there will be no lessening of the quality of the physical plant within the proposed period of recognition.*

This last paragraph means that we will look for documents establishing ownership or a lease, ensuring that the school will be occupying the premises for at least five years.

In this connection, the physical plant sometimes proves to be a serious hindrance. A school offering a four year program should have a Beth Medrash capable of seating the entire student body, and at least two shiur rooms large enough for the appropriate sections. We have advised a number of schools in the past that they would have to expand/upgrade their facilities before we would schedule a formal site visit. Fire safety is another major concern. Minor adjustments such as improved signage and emergency lights usually result in recommendations. Wooden steps without a sprinkler system in place would prevent us from scheduling a site visit. Similarly a cluttered exit route might result in a recommendation; a single exit might prevent a site visit.

I hesitate to address all the other standards, without an onsite, informal review of a school.

I hope this is helpful. Please feel free to call on me for further assistance.

Sincerely,

  
Dr. Bernard Fryshman